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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,296	08/02/2001	Kelvin T. Leung	HRL069	5643

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Cary Tope-McKay
23852 Pacific Coast Highway #311
Malibu, CA 90265

EXAMINER

PEACHES, RANDY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 08/25/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,296

Applicant(s)

LEUNG ET AL.

Examiner

Randy Peaches

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9-29/2002</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims **13-23** been renumbered to **12-22**.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1, 3, 6-11, 13, 16-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Owensby (U.S. Patent Number 6,647,257 B2).

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Regarding **claim 1**, Owensby discloses column 15 lines 32-54 and column 17 lines 25-54, a system for providing messages, which reads on claimed "context sensitive dynamic data", via wireless networks comprising:

- a Advertiser (Sponsor), which reads on claimed "information source element", configured to provide data to a Mobile Switch Center (18)(see column 14 lines 31-38), which reads on claimed "data service element", which uses the provided data to register with a Call Management System (20), which reads on claimed "directory service element"; and
- wherein a wireless terminal (12), which reads on claimed "client", subsequently requests a service from a Ad Content Data (24), which reads on claimed "directory service polling sub-element", which sends a lookup query to the said Call Management System (20) which, in turn provides services matching those requested by the said wireless terminal (12), to a Ad Chooser Server (22) which in turn contains a Candidate Discriminator Module (21), which reads on claimed "candidate service filtering sub-element", where candidate services are isolated, and are submitted to a Ad Target Data (25), which reads on claimed "target service filtering sub-element";
- where said Ad Target Data (25) are isolated and provided to the said wireless terminal (12) and the isolated candidate services, as the basis for registering the said wireless terminal (12) interest with a Historical Response Data (28) and the said Historical Response Data (28) provides an updated service entry of candidate services to the target service

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filtering sub-element and the directory service update decision sub-element provides an updated service entry to the said Call Management System (20). See column 16 lines 3-51 and column 19 lines 39-54.

Regarding **claim 3**, as applied to **claim 1**, Owensby discloses wherein the said Call Management System (20) includes at least one element from the list consisting of:

- Ad Target Data (25), which is pre-determined functions of choosing the messages being targeted to the said wireless terminal (12). See column 15 lines 8-11.

Regarding **claims 6 and 16**, as applied to **claims 1 and 10**, Owensby discloses said Historical Response Data (28) provides an updated service entry of candidate services to the target service filtering sub-element even in the absence of an existing client, and wherein the said Call Management System (20) and the Mobile Switch Center (18) are located in a location remote from the Subscriber Profile Data (26). See FIGURES 2 and 3.

Regarding **claim 7**, as applied to **claim 1**, Owensby discloses in column 17 lines 25-53 and column 15 lines 43-57, wherein the said advertiser (Sponsor), which reads on claimed "information source", is located in at least one location, and the said Call Management System (20), Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. See FIGURE 2.

Regarding **claim 8**, as applied to **claim 7**, Owensby discloses wherein the said advertiser (Sponsor) is located in at least one location, and the said Call Management System (20), Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. See FIGURE 3. At least two of the elements are physically interconnected and at least two of the parts are interconnected using wireless based technology. See FIGURE 1 and column 13 lines 20-37.

Regarding **claim 9**, as applied to **claim 8**, Owensby discloses wherein the operative interconnect between the said advertiser (Sponsor) and the said wireless terminal (12), is characterized by at least one wireless link. See FIGURE 1 and column 13 lines 30-34.

Regarding **claim 10**, Owensby discloses method for providing messages, which reads on claimed "context sensitive dynamic data", via wireless networks comprising:

- providing, as disclosed in column 17 lines 25-53 and column 15 lines 43-57, advertiser (Sponsor), which reads on claimed "information source element";
- providing a Mobile Switch Center (18)(see column 14 lines 31-38), which reads on claimed "data service element", including at least one of the following:

a Historical Response Data (28) provides an updated service entry of candidate services to the target service filtering sub-element and the directory service update decision sub-element provides an updated service entry to the said Call Management System (20).

See column 16 lines 3-51 and column 19 lines 39-54.

- a Call Management System (20), which reads on claimed "directory service element". See column 16 lines 3-51;
providing a personal lookup agent, including at least one of the following sub-elements:
- wherein a wireless terminal (12), which reads on claimed "client", subsequently requests a service from a Ad Content Data (24), which reads on claimed "directory service polling sub-element", which sends a lookup query to the said Call Management System (20) which, in turn provides services matching those requested by the said wireless terminal (12), to a Ad Chooser Server (22) which in turn contains a Candidate Discriminator Module (21), which reads on claimed "candidate service filtering sub-element", where candidate services are isolated, and are submitted to a Ad Target Data (25), which reads on claimed "target service filtering sub-element";
- where said Ad Target Data (25) are isolated and provided to the said wireless terminal (12) and the isolated candidate services, as the basis for registering the said wireless terminal (12) interest with a Historical Response Data (28) and the said Historical Response Data (28) provides

an updated service entry of candidate services to the target service filtering sub-element and the directory service update decision sub-element provides an updated service entry to the said Call Management System (20). See column 16 lines 3-51 and column 19 lines 39-54.

Regarding **claim 11**, the method for providing context sensitive dynamic data via wireless networks as set forth in **claim 10** wherein after the initial service lookup utilizing the said Call Management System directory service element, the said wireless terminal (12) contact with the Ad Chooser Server, via the pre-determined criteria first database where the messages are provided to the said wireless terminal (12) where from the said ad Target Data (25). See column 8 lines 42-63.

Regarding **claim 13**, according to **claim 10**, Owensby discloses a method wherein the said Mobile Switch Center (18) includes utilizing at least one of the following:

- a Call Management System (20), which reads on claimed "computer configured to perform pre-specified functions". See column 18 lines 36-45.

Regarding **claim 17**, according to **claim 10**, Owensby discloses in column 17 lines 25-53 and column 15 lines 43-57, wherein the said advertiser (Sponsor), which reads on claimed "information source", is located in at least one location,

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and the said Call Management System (20), Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. See FIGURE 3.

Regarding **claim 18**, according **claim 17**, Owensby discloses wherein the said advertiser (Sponsor) is located in at least one location, and the said Call Management System (20), Mobile Switch Center (18) and the Subscriber Profile Data (26) are in at least one other location. See FIGURE 3. At least two of the elements are physically interconnected and at least two of the parts are interconnected using wireless based technology. See FIGURE 1 and column 13 lines 20-37.

Regarding **claim 19**, according **claim 18**, Owensby discloses wherein the operative interconnect between the said advertiser (Sponsor) and the said wireless terminal (12), is characterized by at least one wireless link. See FIGURE 1 and column 13 lines 30-34.

Regarding **claim 20**, Owensby discloses a system configured to provide messages, which reads on claimed "data", to a wireless terminal (12), which reads on claimed "mobile client", wherein the provided said message is relevant to the location of the said wireless terminal (12), and wherein the said message is dynamically updated and the said wireless terminal (12) receives contextually relevant said messages despite changing position. See column 17 lines 54-67 and column 18 lines 1-10.

Regarding **claim 21**, according to **claim 20**, Owensby discloses in column 18 lines 1-10, wherein the said wireless terminal (12)/subscriber provides preferences, which reads on claimed "criteria", for what constitutes relevant said messages, and only the said messages meeting the said preferences are provided to the said wireless terminal.

Regarding **claim 22**, according to **claim 20**, Owensby discloses in column 18 lines 1-10, wherein the said wireless terminal (12)/subscriber provides preferences, which reads on claimed "criteria", for what constitutes relevant said messages, and only the said messages meeting the said preferences are provided to the said wireless terminal. Owensby further discloses in column 18 lines 11-32 where the system also allows advertisement from the respected operator of the said network to be sent to the said wireless terminal (12), regardless to the said subscriber's preference, which reads on claimed "a triggering event, which automatically provides an update to a user".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 2, 12 and 14*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby (U.S. Patent Number 6,647,257 B2) as applied to ***claims 1 and 10*** above, and further in view of Sone et al. (U.S. Patent Number 6,424,888 B1).

Regarding ***claims 2 and 12***, according to ***claims 1 and 10***, Owensby discloses method for providing messages, which reads on claimed "context sensitive dynamic data", to a said wireless terminal (12), via the said Advertiser (Sponsor), which reads on claimed "information source element".

However, the reference fails to expressly teach where the said Advertiser (Sponsor) comprises at least one of the following:

- i. a permanently mounted video camera,
- ii. a video camera affixed to a vehicle,
- iii. a strategically placed environmental sensor,
- iv. an environmental sensor affixed to a vehicle,

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V. a satellite based position sensor affixed to a vehicle.

Sone et al discloses in column 4 lines 48-58, of a vehicle-mounted inside and outside monitor camera, which reads on claimed "a video camera affixed to a vehicle".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Owensby (U.S. Patent Number 6,647,257 B2) as applied to **claims 1 and 10** above in view of Sone et al. (U.S. Patent Number 6,424,888 B1) so that the said Advertiser (Sponsor) is equipped with the capability of capturing a targeted audience in order to provide the best advertisement message more efficiently based on the captured images from the said vehicle-mounted inside and outside monitor camera.

Regarding **claim 14**, as the above combination of Owensby (U.S. Patent Number 6,647,257 B2) and Sone et al. (U.S. Patent Number 6,424,888 B1) are made, the combination according to **claim 10**, Sone et al discloses in column 4 lines 48-58, of a vehicle-mounted inside and outside monitor camera, which reads on claimed "a video camera affixed to a vehicle".

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3. **Claims 5 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby (U.S. Patent Number 6,647,257 B2) as applied to **claims 1 and 10** above, in view of Shojima et al. (U.S. Patent Number 6,259,990 B1).

Regarding **claims 5 and 15**, according to **claims 1 and 10**, Owensby discloses method for providing messages, which reads on claimed "context sensitive dynamic data", to a said wireless terminal (12), which reads on claimed "client", where the said wireless terminal (12) is able to receive the said message to be relayed the information the user.

However, Owensby fails to expressly suggest wherein the said wireless terminal (12) has the mobility and is a pedestrian. Additionally, Owensby et al. fails to expressly disclose where the said Advertiser (Sponsor) utilizes a plurality of sources including a vehicle and a stationary sensor.

Shojima et al teaches in column 4 lines 1-35 of a pedestrian where information, such as route information, is sent to the said pedestrian via a route guidance apparatus (2). The system utilizes an information providing apparatus (1) coupled with a stationary route computation and installation marker (3), which reads on claimed "stationary sensor", that can easily be installed in an elevator, which reads on claimed "vehicle". See column 4 lines 65-67.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the teachings of Owensby (U.S. Patent Number 6,647,257 B2) as applied to **claims 1 and 10** above, in view of Shojima

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et al. (U.S. Patent Number 6,259,990 B1) in order to provide a means to detect a pedestrian's movement and provide pertinent information to the said pedestrian when needed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (703) 305-8993. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
August 3, 2004


CHARLES APPIAH
PRIMARY EXAMINER

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